REMARKS

Claims 1-3, 5-8, 10-13, 15, 16, 18-25 and 35-54 are pending in this application. By this Amendment, claims 1-3, 5-8, 10-13, 15, 16 and 18-25 are amended. Claims 35-54 are added. The claim amendments and the added claims add no new matter. Claims 4, 9, 14, 17 and 26-34 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraph 1, makes final the Restriction Requirement. Claims 26-34 are canceled as drawn to a non-elected invention.

The Office Action, in paragraph 2, objects to claim 22 for an informality. Claim 22 is amended to obviate the objection. Withdrawal of the objection to claim 22 is respectfully requested.

The Office Action, in paragraph 3, rejects claims 15 and 25 under 35 U.S.C. §101. The Office Action indicates that the claimed invention is allegedly directed to non-statutory subject matter. Claims 15 and 25 are amended to obviate the rejections.

Accordingly, reconsideration and withdrawal of the rejections of claims 15 and 25 under 35 U.S.C. §101 are respectfully requested.

The Office Action, in paragraph 5, rejects claims 1-6, 12-20 and 22-25 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,784,925 B1 to Tomat. The Office Action, in paragraph 7, rejects claims 7-11 under 35 U.S.C. §103(a) as being unpatentable over Tomat in view of U.S. Patent No. 6,533,243 to Tullis; and in paragraph 8, rejects claim 21 under 35 U.S.C. §103(a) as being unpatentable over Tomat. These rejections are respectfully traversed.

Tomat teaches a system for managing files stored on a digital camera including the ability to detect the digital camera, automatically receive thumbnail images stored in the

camera and store the received thumbnail images in a memory (Abstract). Limited

manipulation of the stored images is available by a user activating one or more icon buttons

on a toolbar (see Fig. 29). These manipulations of the image are generally limited to an

"Auto-Correct" function, which is not further described in Tomat, and/or rotating an image

90° clockwise and/or counterclockwise (see elements 264, 266 and 267 of Fig. 29 and the

accompanying description at col. 17, line 66 - col. 19, line 4).

Independent claims 1 and 7, and with slight variation independent claims 12 and 15,

recite, among other features, an image processing condition setting device (or instruction) that

sets an image processing condition related to at least color processing before the input image

data is stored in the storage device, the image processing condition being optionally

designated by a user; and a control device that stores the input image data in the storage

device after the input image data has undergone image processing under the set image

processing condition. Tomat neither teaches, nor would it have suggested, such a feature.

With regard to claim 7, Tullis does not make up for the shortfall in the application of Tomat

regarding the above-described feature. As such, a combination of Tomat and Tullis cannot

reasonably be considered to teach, or even to have suggested this feature. In Tomat, the user

can execute the Auto-Correct function by (1) selecting a specific image data with explorer

user interface 190 of Fig. 22, and (2) operating the Auto-Correct button 264 of Fig. 29.

Although the Auto-Correct processing can be executed on image data, the user cannot

designate an image processing condition related to color processing in the Tomat system.

Independent claim 18, and with slight variation independent claims 22 and 25, recite,

among other features, a storage device (or instruction) that stores in advance a standard

processing condition under which the input data undergo standard image processing; a current

processing condition setting device (or instruction) that sets in advance a current processing

condition under which subsequently input data are to undergo a given type of image

processing, <u>prior to an input of the subsequently input data</u>; a selection device (or instruction) that can optionally select either one of the standard processing condition and the current processing condition <u>prior to the input of the subsequently input data</u>; and a processing device (or instruction) that processes the subsequently input data input via the input device in conformance to the processing condition selected by the selection device. Claims 22 and 25 recite a recording medium containing instructions such as those outlined above in claim 18.

Tomat fails to teach, or even to have suggested, such features, and the Office Action fails to explain where such features (e.g., "in advance" and "prior to") are believed to be disclosed. As indicated above, Tomat teaches only three types of processing that may be undertaken on downloaded image data: Auto-Correct, Rotate plus 90 degrees, and Rotate minus 90 degrees. In Tomat, these operations are undertaken on image data that has been downloaded into the computer system. As such, Tomat cannot reasonably be considered to teach, or even to have suggested, either a standard processing condition or a current processing condition under which input data is manipulated.

Further, Tomat does not disclose the storage device recited in, for example, claim 18. Also, there is nothing in Tomat to teach, or even to have suggested, the general concept of a current processing condition under which subsequently input data undergo a given type of image processing. As such, Tomat cannot reasonably be considered to teach, or even to have suggested, the current processing condition setting device recited in claim 18. Because Tomat does not disclose a standard processing condition or a current processing condition different from the standard processing condition, there is also no suggestion of any selection device, as is recited among other features in claim 18, to optionally select one of the standard processing condition or the current processing condition prior to input of the subsequently input data. Again here, Tullis does not overcome the shortfalls in the application of Tomat to the subject matter recited in independent claims 18, 22 and 25.

For at least the reasons indicated above, neither Tomat, nor a combination of Tomat and Tullis, can reasonably be considered to teach, or even to have suggested, the combinations of all of the features recited in at least independent claims 1, 7, 12, 15, 18, 22 and 25. Further, claims 2, 3, 5, 6, 8, 10, 11, 13, 16, 19-21, 23 and 24 are also neither taught, nor would they have been suggested, by Tomat, or a combination of Tomat and Tullis, for at least the respective dependence of these claims directly or indirectly on the above enumerated independent claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-3, 5-8, 10-13, 15, 16, and 18-25 under 35 U.S.C. §§102(b) or 103(a) as being anticipated by, or unpatentable over, Tomat, or Tomat in combination with Tullis, are respectfully requested.

Claims 35-42 depend from claims 1, 7, 12 and 15. As such, Tomat, or a combination of Tomat and Tullis, cannot reasonably be considered to teach, or even to have suggested, the subject matter recited in these claims for at least the respective dependence of these claims on the enumerated independent claims, as well as for the separately patentable subject matter that each of these claims recites.

With regard to added claims 43-54, Tomat teaches that the types of image processing for downloaded image data which are available for user to execute, as indicated above, are only three types: Auto-Correct, Rotate plus 90 degrees, and Rotate minus 90 degrees. It would be unreasonable to consider the Rotate plus 90 degrees and the Rotate minus 90 degrees processes to correspond to color processing. Further, Tomat does not disclose what the Auto-Correct process includes. As such, Tomat cannot be reasonably considered to teach, or even to have suggested, a plurality of image processing conditions related to at least color processing as to the sequentially input image data, as is recited, among other features, in added independent claims 43, 46, 49 and 52. Further, Tomat only discloses that image data,
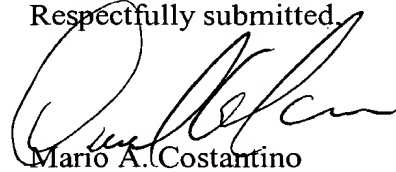
which has been downloaded into the computer system 1, is processed. Accordingly, Tomat does not disclose selecting one of a plurality of image processing conditions related to at least color processing as to the sequentially input image data prior to sequentially inputting the image data, as is recited, among other features, in added independent claims 43, 46, 49 and 52.

As such, Tomat cannot reasonably be considered to teach, or even to have suggested, the selection device (instruction or step) as is recited, among other features, in independent claims 43, 46, 49 and 52.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5-8, 10-13, 15, 16, 18-25 and 35-54 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,

Mario A. Costantino
Registration No. 33,565

Daniel A. Tanner, III
Registration No. 54,734

MAC:DAT/cfr

Attachments:
　　　　Petition for Extension of Time
　　　　Amendment Transmittal

Date: November 17, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION
Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461